

THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

PASTOR FAUSTO PALAFOX,
ALBERT LOPEZ,
ALBERT BENJAMIN PEREZ,
JAMES PATRICK GILLESPIE,
ERNESTO MANUEL GONZALEZ,
BRADLEY MICHAEL CAMPOS,
CESAR VAQUERA MORALES, and
DIEGO CHAVEZ GARCIA,

Defendants.

2:16-cr-00265-GMN-CWH-1-4, 6, & 14-16

DATE: November 7, 2019

Courtroom 7D

THE HONORABLE GLORIA M. NAVARRO, UNITED STATES DISTRICT JUDGE

DEPUTY CLERK: Aaron Blazeovich

COURT REPORTER: Heather Newman & Amber McClane

COUNSEL FOR PLAINTIFF: Dan Schiess, John Han, and Tracey Batson with Special Agent Matthew Neal, Investigator Peter Grimm, and Officer David Arboreen, Special Agent Matthew Wear

COUNSEL FOR DEFENDANT: Amy Jacks, Daniel Hill, Andrea Luem, Jess Marchese, Christopher Oram, Shawn Perez, David Fischer, Michael Kennedy, Mark Fleming, Marcia Morrissey, Kathleen Bliss, Ivette Maningo with Tatum Wehr and Lucy Hallett

MINUTES OF PROCEEDINGS: Jury Trial (Day 46)

9:08 a.m. The Court convenes outside the presence of the jury. The Court and parties discuss an out of order witness the Government intends to call this morning. Ms. Batson informs the Court of production of discovery documents.

9:13 a.m. The jury enters the courtroom. **SPECIAL AGENT GEANIE FRANCO**, called on behalf of the Government, is sworn and testifies on direct examination by Mr. Schiess. **EXHIBIT 131 is ADMITTED into evidence.** The witness is excused.

9:25 a.m. **MARK HALEY**, called on behalf of the Government and previously sworn, testifies on cross examination by Mr. Kennedy on behalf of Mr. Gonzalez.

9:36 a.m. The jury is admonished and excused for a morning break.

9:37 a.m. The Court hears arguments regarding the admissibility of **EXHIBIT 7270-1** from Mr. Kennedy. Ms. Batson responds. The objection is overruled in part and granted in part. The defense

may play the video clips and the Government will be allowed to play clips to rebut those clips. Ms. Batson requests a limiting instruction. The Court will not provide a limiting instruction on this issue.

9:51 a.m. The jury enters the courtroom. **MARK HALEY**, called on behalf of the Government and previously sworn, continues testifying on cross examination by Mr. Kennedy on behalf of Mr. Gonzalez. **EXHIBITS 7262, 7270-1, 7270-2, 7270-3, 7270-4, 7270-6, and 7270-7 are marked but not admitted into evidence.**

10:17 a.m. The jury is admonished and excused for a morning break. The Court stands at recess.

10:45 a.m. The Court reconvenes outside the presence of the jury. The Court hears arguments regarding an objection made by Ms. Jackson to a line of questioning asked of **MARK HALEY** by Mr. Kennedy. The Court overrules the objection. Ms. Batson responds.

10:50 a.m. The jury enters the courtroom. **MARK HALEY**, called on behalf of the Government and previously sworn, continues testifying on cross examination by Mr. Kennedy on behalf of Mr. Gonzalez. **EXHIBITS 7263, 7264, 7266, 7269-2, 7270-5, 7270-8, and 7270-9 are marked but not admitted into evidence.** Mr. Hill conducts cross examination on behalf of Mr. Palafox. Mr. Fleming conducts cross examination on behalf of Mr. Lopez. Ms. Morrissey conducts cross examination on behalf of Mr. Campos.

12:02 p.m. The jury is admonished and excused for lunch. The Court stands at recess.

12:03 p.m. The Court reconvenes outside the presence of the jury. The Court and parties discuss the admissibility of exhibits being used during the testimony of **MARK HALEY**.

12:05 p.m. The Court stands at recess for lunch.

1:02 p.m. The Court reconvenes outside the presence of the jury. Ms. Batson indicates that the Government will not use any video clips. Ms. Bliss requests the ability to leave at 3:00 p.m. today.

1:08 p.m. The jury enters the courtroom. **MARK HALEY**, called on behalf of the Government and previously sworn, testifies on cross examination by Ms. Batson.

1:20 p.m. The jury is excused for an afternoon break.

1:21 p.m. The Court reconvenes outside the presence of the jury. The Court and parties discuss the questions posed by jury.

1:41 p.m. The jury enters the courtroom. **MARK HALEY**, called on behalf of the Government and previously sworn, responds to questions posed by the jury and read by the Court. Mr. Hill conducts follow-up cross examination on behalf of Mr. Palafox. Mr. Kennedy conducts follow-up cross examination on behalf of Mr. Gonzalez. Ms. Morrissey conducts follow-up cross examination on behalf of Mr. Campos. The witness is excused.

1:55 p.m. The jury is admonished and excused for the evening.

1:56 p.m. The Court reconvenes outside the presence of the jury. Mr. Schiess requests a quick break. Mr. Campos and Mr. Lopez request their presence be waived for the remainder of the day. The Court waives their presence for the afternoon.

1:58 p.m. The Court stands at recess.

2:13 p.m. The Court reconvenes outside the presence of the jury. The Court hears oral arguments regarding Defendant Palafox's Motion in Limine to Preclude or Limit Title III Calls Offered by the Government, (ECF No. 1904), and the Specific Objections to Government's Proposed Title III Call Exhibits, (ECF No. 1951). The objections are OVERRULED as to Exhibit 14, with a limiting instruction. The objections are SUSTAINED as to Exhibit 15.

3:10 p.m. The Court stands at recess for an afternoon break.

3:24 p.m. The Court reconvenes outside the presence of the jury. The Court notes that Ms. Bliss has left for the day and her presence is waived. The Court hears oral arguments regarding Defendant Palafox's Motion in Limine to Preclude or Limit Title III Calls Offered by the Government, (ECF No. 1904), and the Specific Objections to Government's Proposed Title III Call Exhibits, (ECF No. 1951). The Government withdraws Exhibits 26, 36, 40, 49, and 54. The objections to Exhibits 29, 30, 31 and 39 are WITHDRAWN. The objections are OVERRULED as to Exhibits 38, 43, 44, 47, 53, 55, 57, 58 and 358, with a limiting instruction. The objections are OVERRULED as to Exhibits 35, 37, 45, and 46. The objection to Exhibit 41 (originally listed as Exhibit 42) is conditionally WITHDRAWN; nevertheless, the Court rules that the objection to Exhibit 41 is OVERRULED in part with a limiting instruction. The Court GRANTS IN PART and DENIES IN PART Defendant Palafox's Motion in Limine to Preclude or Limit Title III Calls Offered by the Government, (ECF No. 1904), and the Specific Objections to Government's Proposed Title III Call Exhibits, (ECF No. 1951). Ms. Morrissey and Mr. Fischer are excused for the afternoon. Ms. Jacks makes objections to Exhibits 57 and 58. Mr. Schiess responds. Ms. Maningo indicates that Mr. Garcia objects to the phone calls. Defendants Morales and Campos join the objection.

5:29 p.m. The Court adjourns.

Jury Trial continued to Tuesday, November 12, 2019, at 10:30 a.m. in Courtroom 7D before Judge Gloria M. Navarro.

DEBRA K. KEMPI, CLERK
U.S. DISTRICT COURT

BY: /S/
Aaron Blazeovich, Deputy Clerk